

REMARKS

The Office Action dated May 1, 2009 has been received and reviewed by the applicant. Claims 53 and 54 are in the application and stand rejected.

Claims 53 and 54 have been amended to clarify that that not all of a, b, c, d, e and f are 0 in order to be consistent with the proviso that at least one of R₁ through R₆ is a substituent.

Claim 53 has also been amended so that the blue light emitting material is selected from a bis(azinyl)amine boron complex.

Claim Rejections – 35 USC § 112

Claims 53 and 54 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants believe that the chemical formula (I) in amended claims 53 and 54 is now clear that there must be at least one substituent on the rubrene nucleus and that the rejection under 35 USC 112 should be withdrawn.

Examiner has indicated that claim 54 would be allowable if amended to overcome the rejection(s) set forth in the office action.

Claim Rejections – 35 USC § 103

Claim 53 stands rejected under 35 USC 103(a) as being obvious over Hatwar (US 2004/0058193).

Hatwar '193 was filed on September 16, 2002 and published March 25, 2004. This application was filed March 16, 2004. As such, it constitutes as prior art only under 35 USC 102(e). Hatwar '193 was at the time of filing and is currently assigned to the Eastman Kodak Company. As such, it is not a reference under 35 USC 103(c).

For this reason, the rejection of claim 53 under 35 USC 103(a) should be withdrawn.

Claim Rejections – 35 USC § 102

Claim 53 stands rejected under 35 USC 102(a) and 102(e) as being anticipated by Hatwar (US 6,696,177).

Hatwar '177 does not disclose either bis(azinyl)amine boron complexes as blue light emitters nor substituted rubrene derivatives as yellow light emitters.

Claim 53 stands rejected under 35 USC 102(a) and 102(e) as being anticipated by Hatwar (US 6,627,333).

Hatwar '333 does not disclose either bis(azinyl)amine boron complexes as blue light emitters nor substituted rubrene derivatives as yellow light emitters.

Claim 53 stands rejected under 35 USC 102(e) as being anticipated by Hatwar (US 6,720,092).

Hatwar '092 does not disclose bis(azinyl)amine boron complexes as blue light emitters.

Since none of these references disclose all of the limitations as set forth in claim 53, there is no anticipation under 35 USC 102 (nor would it be obvious to one skilled in the art) and these rejections should be withdrawn.

Nonstatutory Double Patenting Rejection

Claim 53 stand rejected as being unpatentable over claims 1, 2, 7, 9, 15,-17, 22, 24, 30-32, 36, 37, 39, 48-50, 55, 57, 63 and 68 of U.S. Patent No. 6,696,177, and claims 1, 2, 5, 14-16, 20, 37, 38, 40 and 46 of U.S. Patent No. 6,627,333, and 1, 5, 7, 13, 14, 18, 20, 26, 31, 33, 39, 40, 45, 47 and 53 of U.S. Patent No. 6,720,092. In order to expedite the prosecution of the present application, Applicants are enclosing herewith three Terminal Disclaimers and the appropriate fees under 37 C.F.R. § 1.20(d) in order to overcome these rejections. As such, Applicants respectfully request withdrawal of this rejection.

It is believed that these changes now make the claims clear and definite. If the Examiner sees any problems with these changes, Applicant's attorney would appreciate the courtesy of a telephone call.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray L. Owens', is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.